IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Yeow Teng Toh et al.
Serial No.: 10/563,927
Filed: January 9, 2006
For: REMOTE CONTROL SYSTEM

Group Art Unit: 2618
Examiner: Akbar, Muhammad A.
Confirmation No.: 3781

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated November 2, 2007, which finally rejected claims 1-6, 9-11, 13, and 14 in the above-identified application. The Office date of receipt of Appellant's Notice of Appeal was February 29, 2008. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the full interest in the invention, Koninklijke Philips Electronics N.V.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF CLAIMS

Claims 1-11, 13, and 14 are pending in the present application. Claim 12 is canceled. Claims 7 and 8 were objected to as being depending upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-6, 9-11, 13, and 14 were finally rejected in the Office Action mailed on November 2, 2007. In particular, claims 1-3, 9, 13, and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shore (U.S. Pat. No. 5,742,902, hereinafter Shore) and in view of Lin (U.S. Pat. No. 5,983,084, hereinafter Lin). Additionally, claims 4-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shore as modified by Lin and further in view of Hunter (U.S. Pat. No. 2,824,170, hereinafter Hunter). Additionally, claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shore as modified by Lin and further in view of Melbourne (U.S. Pat. No. 6,774,787 B1, hereinafter Melbourne).

Claims 1-11, 13, and 14 are the subject of this appeal. A copy of claims 1-11, 13, and 14 as they stand on appeal is set forth in the Claims Appendix.

IV. STATUS OF AMENDMENTS

There were no proposed amendments submitted subsequent to the Final Office Action mailed November 2, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This section of this Appeal Brief is set forth to comply with the requirements of 37 C.F.R. § 41.37(c)(1)(v) and is not intended to limit the scope of the claims in any way. Exemplary implementations of the limitations of independent claims 1, 13, and 14 are described below.

The language of claim 1 relates to a remote control system. Page 1, lines 5-6. The remote control system includes a transmitter and a receiver. Page 1, 5-6. The transmitter includes a transmitter oscillating-amplifying circuit with a surface-acoustic-wave-resonator. Page 5, lines 23-25. The transmitter also includes a transmitter antenna coupled to the transmitter oscillating-amplifying circuit. Page 5, lines 23-25. The receiver includes a receiver antenna coupled to a receiver amplifying circuit and to a first inductor. Page 5, lines 26-32. The receiver also includes a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit. Page 5, lines 26-32. The receiver oscillating-filtering circuit includes a second inductor. Page 7, lines 24-29. The receiver also includes a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit. Page 5, lines 26-32. At least one of the first inductor and the second inductor is variable during operation of the receiver for aligning the receiver. Page 1, line 27, through page 2, line 4; page 2, lines 5-14; page 4, lines 18-22; page 6, line 31, through page 7, line 5; page 7, line 24, through page 8, line 16.

The language of claim 13 relates to a receiver for use in a remote control system. Figure 2, Receiver 2. The receiver includes a receiver antenna coupled to a receiver amplifying circuit and to a first inductor. Page 5, lines 26-32. The receiver also includes a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit. Page 5, lines 26-32. The receiver oscillating-filtering circuit includes a second inductor. Page 7, lines 24-29. The receiver also includes a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit. Page 5, lines 26-32. At least one of the inductors is variable during operation of the receiver for aligning the receiver. Page 1, line 27, through page 2, line 4; page 2, lines 5-14; page 4, lines 18-22; page 6, line 31, through page 7, line 5; page 7, line 24, through page 8, line 16.

The language of claim 14 relates to method for use in combination with a remote control system. Page 1, lines 5-6. The remote control system includes a transmitter and a receiver. Page 1, lines 5-6. The transmitter includes a transmitter oscillating-amplifying circuit with a surface-acoustic-wave-resonator. Page 5, lines 23-25. The transmitter also includes a transmitter antenna coupled to the transmitter oscillating-amplifying circuit. Page 5, lines 23-25. The receiver includes a receiver antenna coupled to a receiver amplifying circuit and to a first inductor. Page 5, 26-32. The receiver also includes a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit. Page 5, lines 26-32. The receiver oscillating-filtering circuit includes a second inductor. Page 7, lines 24-29. The receiver also includes a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit. Page 5, lines 26-32. At least one of the first inductor and the second inductor is variable during operation of the receiver for aligning the receiver. Page 1, line 27, through page 2, line 4; page 2, lines 5-14; page 4, lines 18-22; page 6, line 31, through page 7, line 5; page 7, line 24, through page 8, line 16. The method includes aligning the receiver through varying at least one of the first inductor and the second inductor. Page 1, line 27, through page 2, line 4; page 2, lines 5-14; page 4, lines 18-22; page 6, line 31, through page 7, line 5; page 7, line 24, through page 8, line 16.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-3, 9, 13, and 14 are patentable over the combination of Shore and Lin under 35 U.S.C. 103(a).

B. Whether claims 4-6 are patentable over the combination of Shore, Lin, and Hunter under 35 U.S.C. 103(a).

C. Whether claims 10 and 11 are patentable over the combination of Shore, Lin, and Melbourne under 35 U.S.C. 103(a).

VII. ARGUMENT

For the purposes of this appeal, claims 1-3, 9, 13, and 14 are argued together as a group for purposes of the question of patentability over the combination of Shore and Lin under 35 U.S.C. 103(a). Claims 4-6 are argued together for purposes of the question of patentability over Shore, Lin, and Hunter under 35 U.S.C. 103(a). Claims 10 and 11 are argued together for purposes of the question of patentability over Shore, Lin, and Melbourne under 35 U.S.C. 103(a). It may be useful to note that the arguments presented in support of patentability of claims 4-6, 10, and 11 rely on the arguments presented in support of patentability of claims 1-3, 9, 13, and 14; however, claims 4-6, 10, and 11 are argued separately because claims 4-6, 10, and 11 are rejected under different combinations of cited references.

A. Claims 1-3, 9, 13, and 14 are patentable over the combination of Shore and Lin because Shore and Lin do not teach an inductor which is variable during operation of a receiver.

Appellants respectfully submit that claim 1 is patentable over the combination of Shore and Lin because the combination of cited references does not teach all of the limitations of the claim. Claim 1 recites:

> A remote control system comprising a transmitter and a receiver, which transmitter comprises
> a transmitter oscillating-amplifying circuit comprising a surface-acoustic-wave-resonator; and
> a transmitter antenna coupled to the transmitter oscillating-amplifying circuit; and
> which receiver comprises
> a receiver antenna coupled to a receiver amplifying circuit and to a first inductor;
> a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit and comprising a second inductor; and
> a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of the first inductor and the second inductor being variable during operation of the receiver for aligning the receiver.

(Emphasis added.)

In contrast, the combination of cited references does not teach a variable inductor. More specifically, the combination of cited references does not teach an inductor which is variable during operation of a receiver, within the context of the claim. It should be noted that the Examiner relies on Shore as purportedly teaching a variable inductor. The Examiner does not assert that any other references might teach a variable inductor. However, despite the assertions by the Examiner, Appellants respectfully submit Shore does not teach a variable inductor, or an inductor being variable during operation of a receiver.

A1. The combination of Shore and Lin does not teach a variable inductor.

For a proper understanding of a variable inductor, it may be useful to draw an analogy to variable capacitors and variable resistors. A variable capacitor is a capacitor whose capacitance may be intentionally changed through mechanical or electronic actions. Examples of some relatively simple mechanically controlled variable capacitors include capacitors with a controllable distance or a controllable amount of overlap between capacitive plates. Similar to a variable capacitor, a variable resistor is a resistor whose resistance may be intentionally changed, for example, through the use of several voltage-divider taps. A potentiometer is a variable resistor that has a moveable contact that connects different pairs of terminals together at different settings in order to present different resistance values to a corresponding circuit. A variable inductor is similar to a variable capacitor or a variable resistor, at least in some aspects, because the inductance of the variable inductor may be changed according to some controlling action. One type of variable inductor described in the present application is a variable coil. Page 6, line 31, through page 7, line 5.

While Shore teaches several different inductors, none of the described inductors is a variable inductor such as a variable inductor. The inductor L1, which is used to advance phase of the RF signal, is described as having a specific inductance of 33 nH. Shore, col. 3, lines 60-62. Similarly, the inductor L20, which is used to set the oscillation of the quench oscillator, is described as having a specific inductance of 220 nH. Since these inductors have specific inductance values, these inductors are not variable inductors.

Although Shore also describes some of the inductors L22, L40, and L42 as being implemented with an inductance value within a potential range of inductance values, Shore does not describe any of these inductors as being variable inductors whose inductance may be changed by some controlling action. Shore merely describes selecting an inductor, having a specific inductance value within the specified range of values, for use in the described circuits. In other words, Shore describes the ability to use an inductor with a specific, non-variable inductance value, even though another instance of the same circuit arrangement may use an inductor with another specific, non-variable inductance value. More specifically, Shore does not describe any of the inductors as being capable of changing, or varying, its own inductance value. Therefore, Shore does not describe a variable inductor, as recited in the claim.

A2. The combination of Shore and Lin does not teach an inductor being variable during operation of the receiver.

Moreover, Shore does not describe an inductor being variable during operation of a receiver. Even if the circuit arrangements in Shore potentially allow independent implementations to have different inductance values, Shore nevertheless does not describe any functionality to change, or vary, an inductance value of an inductor during operation of the corresponding circuit arrangement.

To compensate for this lack of teaching by Shore, the Examiner asserts an unsupported conclusion that inductor L22 should have variable values for tuning the circuit during operation of the receiver circuit. However, this assertion is not supported by the disclosure of Shore because there is no description of any functionality which would accommodate changing, or varying, the value of the inductor L22 during operation of the receiver circuit. Therefore, Shore does not describe an inductor which is variable during operation of the receiver.

A3. The Examiner's reasoning to modify the teachings of Shore is based on impermissible hindsight.

In an attempt to bolster the unsupported conclusion that the inductor L22 should have variable inductance, the Examiner states that it would be obvious to tune a circuit

during operation of the circuit. However, this argument merely employs impermissible hindsight because it relies on a teaching of the present application as a basis for modifying the cited reference to perform a function which is understood in light of the description of the present application, without providing any other evidence of teachings in the cited references or evidence of common knowledge. Therefore, the assertion that it would be obvious to tune a circuit during the operation of the circuit improperly relies on the understanding provided by the subject matter described in the present application. Accordingly, the proposed reason for modifying Shore to implement a variable inductor cannot be used to support the proposed modification of the cited references because the proposed reasoning relies on impermissible hindsight.

Furthermore, even if it were a known practice within the relevant art to tune circuits by implementing different values for a particular component, there is no evidence that such tuning might be implemented using a variable inductor, as recited in the claim. Rather, using the teachings of the cited references, the ability to tune the circuit arrangement of Shore relies on the implementation of different circuits using different components with fixed values. More specifically, the only possibility for tuning the circuit arrangement described in Shore is by physically removing the inductor L22 from the circuit arrangement and replacing the inductor L22 with another inductor having a specific, non-variable inductance value. However, this component replacement method does not implement a variable inductor because this component replacement method merely teaches using separate, non-variable inductors within the same circuit arrangement. Therefore, since the teachings of the cited references do not support the assertions of common knowledge relied on by the Examiner, and the Examiner does not offer any other evidence in support of these assertions of common knowledge, Appellants respectfully submit that the only source of knowledge for the asserted modification derives from impermissible hindsight based on the subject matter described in the present application. Accordingly, the proposed modification of Shore to use a variable resistor to tune the circuit arrangement is not proper because the proposed motivation relies on impermissible hindsight.

A4. The Claims 1-3, 9, 13, and 14 are patentable over the combination of cited references because the combination of Shore and Lin does not teach all of the limitations of the claims.

For these reasons described herein, Appellants submit that the rejection of claim 1 is improper least because the cited references do not teach all of the limitations of the claim. In particular, the cited references do not teach a variable inductor, as recited in claim. Additionally, as a separate basis for patentability, Appellants submit that the rejection of claim 1 is improper because the motivation to modify the cited references relies on impermissible hindsight to propose a modification to achieve functionality of the present application without providing any evidentiary support from the cited references or common knowledge at the time of the invention. Accordingly, Appellants respectfully submit that claim 1 is patentable over the cited references.

Given that claims 2-11 depend from and incorporate all of the limitations of independent claims 1, Appellants respectfully assert claims 2-11 are also allowable based on an allowable base claim. Additionally, each of claims 2-11 may be allowable for further reasons to do. Accordingly, Appellants request that the rejections of claims 1-11 under 35 U.S.C. 103(a) be withdrawn.

Appellants respectfully assert independent claims 13 and 14 are also patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 13 recites "a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of these inductors being variable during operation of the receiver for aligning the receiver" (emphasis added). Claim 14 recites "a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of these inductors being variable during operation of the receiver for aligning the receiver" (emphasis added). Here, although the language of claims 13 and 14 differs from the language of claim 1, and the scope of claims 13 and 14 should be interpreted independently of claim 1, Appellants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claims 13 and 14. Therefore, Appellants respectfully assert claims 13 and 14 are patentable over the combination of cited references because Shore does not teach a

variable inductor, as recited in each of the claims, and the Examiner does not provide a proper motivation to a modify the references. Accordingly, Appellants request that the rejections of claims 13 and 14 under 35 U.S.C. 103(a) be withdrawn.

B. Claims 4-6 are patentable over the combination of Shore, Lin, and Hunter because Shore, Lin, and Hunter do not teach all of the limitations of the claims.

Appellants respectfully submit that claims 4-6 are patentable over the combination of Shore, Lin, and Hunter because Shore, Lin, and Hunter do not teach all of the limitations of the claims. Given that claims 4-6 depend from and incorporate all of the limitations of independent claim 1, which is patentable over the cited references, Appellants respectfully submit that dependent claims 4-6 are also patentable over the cited references based on an allowable base claim. Additionally, each of claims 4-6 may be allowable for further reasons. Accordingly, Appellants request that the rejections of claims 4-6 under 35 U.S.C. 103(a) be withdrawn.

C. Claims 10 and 11 are patentable over the combination of Shore, Lin, and Melbourne because Shore, Lin, and Melbourne do not teach all of the limitations of the claims.

Appellants respectfully submit that claims 10 and 11 are patentable over the combination of Shore, Lin, and Melbourne because Shore, Lin, and Melbourne do not teach all of the limitations of the claims. Given that claims 10 and 11 depend from and incorporate all of the limitations of independent claim 1, which is patentable over the cited references, Appellants respectfully submit that dependent claims 10 and 11 are also patentable over the cited references based on an allowable base claim. Additionally, each of claims 10 and 11 may be allowable for further reasons. Accordingly, Appellants request that the rejections of claims 10 and 11 under 35 U.S.C. 103(a) be withdrawn.

VIII. CONCLUSION

For the reasons stated above, claims 1-11, 13, and 14 are patentable over the cited references. Thus, the rejections of claims 1-6, 9-11, 13, and 14 should be withdrawn. Appellants respectfully request that the Board reverse the rejections of claims 1-6, 9-11, 13, and 14 under 35 U.S.C. 103(a) and, since there are no remaining grounds of rejection to be overcome, direct the Examiner to enter a Notice of Allowance for claims 1-11, 13, and 14.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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Date: April 29, 2008

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IX. CLAIMS APPENDIX

1. A remote control system comprising a transmitter and a receiver, which transmitter comprises

a transmitter oscillating-amplifying circuit comprising a surface-acoustic-wave-resonator; and

a transmitter antenna coupled to the transmitter oscillating-amplifying circuit; and which receiver comprises

a receiver antenna coupled to a receiver amplifying circuit and to a first inductor;

a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit and comprising a second inductor; and

a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of the first inductor and the second inductor being variable during operation of the receiver for aligning the receiver.

2. A remote control system as defined in claim 1, wherein the receiver oscillating-filtering circuit comprises a first transistor of which first transistor a first main electrode is coupled to the receiver filtering circuit and to a first capacitor and to a side of a second capacitor and of which first transistor a second main electrode is coupled to the receiver amplifying circuit and to an other side of the second capacitor and to the second inductor.

3. A remote control system as defined in claim 2, wherein the first inductor is coupled to a third capacitor in parallel and the second inductor is coupled to a fourth capacitor in parallel.

4. A remote control system as defined in claim 3, wherein the second inductor is further coupled to a receiver ripple rejecting circuit comprising a second transistor of which second transistor a first main electrode is coupled to the second inductor via a first resistor and to a first reference terminal via a fifth capacitor and of which second transistor a second main electrode is coupled to a second reference terminal and of which second transistor a control electrode is coupled to a sixth capacitor and to the second reference terminal via a second resistor.

5. A remote control system as defined in claim 4, wherein the receiver amplifying circuit comprises a third and a fourth transistor, with a first main electrode of the third transistor being coupled to the first reference terminal via a parallel circuit of a third resistor and a seventh capacitor, with a second main electrode of the third transistor being coupled to a first main electrode of the fourth transistor, with a second main electrode of the fourth transistor being coupled to the first main electrode of the second transistor via a fourth resistor and to the second main electrode of the first transistor, and with a control electrode of the third transistor being coupled to the receiver antenna and to the first inductor.

6. A remote control system as defined in claim 5, wherein the receiver filtering circuit comprises a third inductor coupled to the first main electrode of the first transistor and further coupled to a parallel circuit of fifth resistor and an eighth capacitor and to a ninth capacitor via a sixth resistor, which parallel circuit and which ninth capacitor are further coupled to the first reference terminal.

7. A remote control system as defined in claim 6, wherein the receiver amplifying-shaping circuit comprises a fifth, sixth, seventh and eighth transistor, with a control electrode of the fifth transistor being coupled to the ninth capacitor and with a second main electrode of the fifth transistor being coupled to the second reference terminal via a seventh resistor and to a control electrode of the sixth transistor via an eighth resistor and to a control electrode of the seventh transistor via a ninth resistor, and with a second main electrode of the seventh transistor being coupled to a control electrode of the eighth transistor and to the first reference terminal via a tenth resistor, and with a second main electrode of the eighth transistor constituting a data output of the receiver and being coupled to the second reference terminal via an eleventh resistor.

8. A remote control system as defined in claim 7, wherein the transmitter oscillating-amplifying circuit comprises a ninth transistor of which ninth transistor a control electrode is coupled to the surface-acoustic-wave-resonator via a tenth capacitor and to a transmitter input circuit comprising a fourth inductor and of which ninth transistor a first main electrode is coupled to the first reference terminal via a serial circuit of a twelfth resistor and a fifth inductor and of which ninth transistor a second main electrode is coupled to the transmitter antenna.

9. A remote control system as defined in claim 1, wherein the remote control system is ceramic-resonatorless, with the receiver being surface-acoustic-wave-resonatorless.

10. A remote control system as defined in claim 1, wherein each antenna comprises a printed antenna for shorter ranges and/or a non-printed antenna for longer ranges.

11. A remote control system as defined in claim 1, wherein the transmitter is adapted to perform an amplitude shift keying modulation and the receiver is adapted to perform an amplitude shift keying demodulation.

12. (canceled)

13. A receiver for use in a remote control system comprising a transmitter and the receiver, which receiver comprises

a receiver antenna coupled to a receiver amplifying circuit and to a first inductor;

a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit and comprising a second inductor; and

a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of these inductors being variable during operation of the receiver for aligning the receiver.

14. A method for use in combination with a remote control system comprising a transmitter and a receiver,
which transmitter comprises

a transmitter oscillating-amplifying circuit comprising a surface-acoustic-wave-resonator; and

a transmitter antenna coupled to the transmitter oscillating-amplifying circuit; and which receiver comprises

a receiver antenna coupled to a receiver amplifying circuit and to a first inductor;

a receiver oscillating-filtering circuit coupled to the receiver amplifying circuit and comprising a second inductor; and

a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of the first inductor and the second inductor being variable during operation of the receiver, and which method comprises the step of aligning the receiver through varying at least one of the first inductor and the second inductor.

X. EVIDENCE APPENDIX

There is no evidence submitted with this Appeal Brief.

XI. RELATED PROCEEDINGS APPENDIX

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.